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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KMH DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **David ORTIZ-Dorantes,** Defendant	Magistrate Docket No. '08 MJ 2433 COMPLAINT FOR VIOLATION ~~OF:~~ Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 5, 2008** within the Southern District of California, defendant, **David ORTIZ-Dorantes,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **6th DAY OF AUGUST, 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

DOA 8/5/08 KNH

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CONTINUATION OF COMPLAINT:
David ORTIZ-Dorantes

PROBABLE CAUSE STATEMENT

On August 5, 2008, Border Patrol Agent R. Moore was assigned to line watch duties in the Chula Vista Border Patrol's area of responsibility. Agent Moore responded to a seismic device located Northeast of the Otay Mesa, California Port of Entry. Upon arriving in the area Agent Moore observed four individuals walking. Agent Moore approached the individuals and identified himself as a United States Border Patrol Agent. All four individuals ran and after a brief foot chase Agent Moore found the four individuals hiding in some brush. Agent Moore questioned the subjects as to their citizenship and nationality. All four individuals, including one later identified as **David ORTIZ-Dorantes**,admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain legally in the United States. At approximately 8:30 a.m., Agent Moore placed all four individuals including the defendant under arrest and transported them to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 28, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.